

PATENT
Customer No. 22,852
Attorney Docket No. 03626-0018



In the United States Patent and Trademark Office

In re Application of:

Lawrence G. ANDERSON et al.

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) Group Art Unit: 1711
)
) Examiner: Susan W Berman
)
) Confirmation No.: 4427
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)
)
For: DUAL CURE COATING
COMPOSITIONS HAVING
IMPROVED SCRATCH
RESISTANCE, COATED
SUBSTRATES AND METHODS
RELATED THERETO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO/SB/08. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114, thus falling under the events recited in Section 1.97(b).

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications

are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants listed the outstanding substantive Office Actions filed in co-pending Application Nos. 10/456,576, 10/624,826, 10/784,830, and 10/795,216 on the attached PTO/SB/08, and enclosed a copy of these documents as well. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Co-pending Application Nos. 10/456,576, 10/624,826, 10/784,830, and 10/795,216 are continuation applications of Application Nos. 09/629,420, 09/629,421, 09/629,443, and 09/629,444, respectively, which were previously cited in the Information Disclosure Statement filed December 29, 2000 and considered by the Examiner as indicated on the initialed and signed Form PTO 1449 attached to the Office Action mailed on October 3, 2002.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitutes "prior art." If the Examiner applies the listed documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement,
please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Mark D. Sweet
Reg. No. 41,469

Dated: March 28, 2005

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				 MAR 28 2005	Complete if Known	
					Application Number	09/629,422
				Filing Date	July 31, 2000	
				First Named Inventor	Lawrence G. ANDERSON	
				Art Unit	1711	
				Examiner Name	Susan W. Berman	
				Attorney Docket Number	03626-0018	
(Use as many sheets as necessary)						
Sheet	1	of	1			

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Office Action of U.S. Patent Application No. 10/456,576 (Attorney Docket No. 03626-0019-01), mailed on November 29, 2004.	
		Office Action of U.S. Patent Application No. 10/642,826 (Attorney Docket No. 03626-0020-01), mailed on October 22, 2004	
		Office Action of U.S. Patent Application No. 10/784;830 (Attorney Docket No. 03626-0024-02), mailed on December 15, 2004	
		Office Action of U.S. Patent Application No. 10/795,216 (Attorney Docket No. 03626-0022-02), mailed on December 15, 2004	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.